

# ***Proposal for Primary Prevention of Child Lead Poisoning (PPCLP) in Ohio***

## ***Investing in Healthy Homes, Children & Communities***

### **Executive Summary**

Ohio needs strong leadership from our Governor, Legislature, local governments and Ohio Department of Health to fix the problem of child lead poisoning. The majority of Ohio's housing was built prior to 1978, the year lead was banned in house-paint, and can be presumed to contain lead-based paint. As it degrades due to age, weather and poor maintenance, lead-based paint decays into invisible lead dust on floors and windows that is easily accessible to young children. Lead poisoning can cause developmental, learning and physical disabilities in children that require health and education services, sometimes over a child's entire life. The negative consequences for Ohio's economy, families and communities are significant.

The current ODH Lead Abatement Program (SCHIP), funded in the FY 2018-2019 budget by leveraging federal Medicaid funds with a small state match, is a great first step towards protecting Ohio's children from lead-based paint hazards. But more investment is needed to have an impact on this problem. By doubling the current investment of federal and state Medicaid funds, Ohio could protect twice as many families from lead exposure, support landlords' efforts to make properties safe from lead hazards, and reduce the long-term impact of lead on Ohio's economy and communities.

### **Introduction & Rationale**

Children in Ohio continue to be exposed to unacceptably high levels of lead, a known neurotoxin. As Ohio considers increasing its investments in early childhood education and other efforts to promote child well-being, it's critical to prevent childhood lead exposure given the damage lead causes to the brain and nervous system. This damage can impact speech and hearing, behavior and social-emotional abilities. These symptoms not only affect a child's health, they interfere with academic success and ultimately his or her ability to enter the workforce as a productive employee.

The greatest threat to children comes from lead paint in their homes. Two-thirds of Ohio's housing stock was built prior to 1978 (when lead was banned from house paint), with more than 42% built prior to 1950.<sup>1</sup> The combination of high child poverty rates in Ohio's cities and rural communities, and an older housing stock, particularly with non-owner occupied rental properties, increases the risk that children will be adversely affected by lead exposures.

To do a better job at preventing lead poisoning, Ohio must transition from its current focus on controlling lead hazards in homes *after children have been exposed* and developed elevated blood lead levels (secondary prevention) to a focus on *preventing any child exposure* to lead hazards

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<sup>1</sup> American Housing Survey, 2015 – Ohio – General Housing Data – Occupied Units, Year Structure Built. See [2017 American Housing Survey Data Press Release, United States Census](#), September 6, 2018.

(primary prevention)<sup>2</sup>. In addition to significantly improving the lives of young children, a primary prevention approach would be a solid investment. A recent Pew report estimates that “Eradicating lead paint hazards from older homes of children from low-income families would provide \$3.5 billion in benefits or approximately \$1.39 per dollar invested... Ensuring that contractors comply with the Environmental Protection Agency’s rule that requires lead-safe renovation, repair and painting practices would...provide future benefits of \$4.5 billion, or about \$3.10 per dollar spent.”<sup>3</sup>

Based on current maps of Ohio census tracts where children have been projected to have a high risk of lead poisoning, *rental housing units built prior to 1978*, have more uncontrolled lead hazards.<sup>4</sup> The most accurate way to determine if a housing unit is safe from lead hazards is to conduct a clearance examination or lead risk assessment; both inspection methods make use of lead dust wipe sampling techniques. **Therefore, this proposal is built around the idea that registration of pre-1978 rental units and regular inspection of those units using lead dust wipe testing is the among the best approaches to primary prevention.**<sup>5</sup> Our rental housing focus, however, does not mean homeowners of pre-1978 homes in areas at high risk for lead poisoning would be excluded from lead hazard control and relocation assistance.

We can help break the cycle of poverty and poor health. Lead poisoning is preventable. Protecting children from lead exposure, rather than simply screening for Elevated Blood Lead Levels (EBLLs) and reacting to lead-exposed children after-the-fact, will require a multi-pronged approach, one that includes new legislation, funding mechanisms and collaboration between key state agencies, private sector and affected communities.

## **A Two-Pronged Approach**

Developing and implementing a comprehensive strategy to prevent lead exposure can be overwhelming and complicated to address at the local level without state leadership and support. A primary lead poisoning prevention strategy and program requires both **policy change** and **funding**.

### **A. Enabling legislation.** Specifically, legislation to:

1. Encourage and enable Ohio local government entities (cities, counties, etc.) to create lead primary prevention approaches based on local needs such as adoption of local ordinances, stricter code enforcement efforts, or other strategies as locally determined;<sup>6</sup>

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<sup>2</sup>See [Preventing Lead Exposure in Young Children: A Housing-Based Approach to Primary Prevention. Recommendations from the Advisory Committee on Childhood Lead Poisoning Prevention](#), CDC, October 2004.

<sup>3</sup> [10 Policies to Prevent and Respond to Childhood Lead Exposure. Overview and Key Findings. August 30, 2017.](#)

<sup>4</sup> [Final Report on Targeted Testing Plan for Childhood Lead Poisoning](#), Ohio State University Statistical Consulting Service, April 30, 2013.

<sup>5</sup> See 3701-81-01 (G)(2)), “Lead Safe Rental Registry” ([Original File Proposed Rules](#)), describing the “post-maintenance dust sampling” requirement for listing a pre-1978 residential rental property on the Lead Safe Rental Registry.

<sup>6</sup> For example, this could include requiring rental property owners to register with local government and document the lack of lead hazards in their properties on a schedule determined by local government.

2. Create a Joint-Legislative Oversight Entity, in partnership with the Governor's Director of Children's Initiatives, to include key state agencies, to oversee the newly-created the Primary Prevention of Child Lead Poisoning (PPCLP) Initiative and to develop a comprehensive, holistic childhood lead exposure primary prevention strategy;
3. Transfer authority to administer the [U.S. Environmental Protection Agency \(US EPA\) Renovation, Repair and Painting \(RRP\) Rule](#) from the US EPA to the Ohio Department of Health's lead licensure program.<sup>7</sup>

## B. State-Local Primary Prevention of Child Lead Poisoning (PPCLP) **Competitive Demonstration Grant Program**

### *Funding Request*

- \$20 million in federal Medicaid SCHIP Lead Abatement funds is being requested in the FY 2020-2021 budget, an increase of \$10 million over the current funding level.
- An appropriation of \$20 million for the SCHIP Lead Abatement Program would require an annual state match of \$300,000 in GRF. Currently, \$150,000 per year in GRF (440527) is provided as the state match.

Build a strategic state-local primary lead prevention partnership to help implement local government entities' primary prevention strategies through competitive demonstration grants. Initially, the PPCLP grant program could be created through an expansion of the SCHIP lead abatement program, which is currently administered through the Departments of Medicaid and Health (ODH), in order to leverage federal Medicaid dollars to support the demonstration grants.<sup>8</sup> The current SCHIP funding level of approximately \$9 million for lead abatement in 500 units could be increased to \$20 million in the biennial budget to allow for the abatement of significantly more units while growing local capacity to address lead hazards and creating jobs to further workforce development statewide. A funding level roughly double the 2017 appropriation would allow grants to *four to six communities* to conduct "lead abatement" and "lead hazard control" (a mix of [abatement and interim controls](#)) as part of a primary prevention strategy while the Ohio Department of Health continues to address units where children have been poisoned throughout the state through a competitively selected subcontractor.

### *Administration*

Administration of the PPCLP demonstration grant program by the Ohio Housing Finance Agency (OHFA) could add value to this innovative approach. OHFA and ODH have had a partnership in the area of lead poisoning prevention for several years. OHFA has provided a portion of the matching funds needed for four ODH applications to HUD for Lead Hazard Control Program grants and ODH is currently working with OHFA to place the Ohio Lead Safe Rental Registry within OHFA's Ohio Rental Housing Locator.

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<sup>7</sup> Region 5, US EPA currently administers EPA's Renovation, Repair and Painting Program in Ohio. For more information, see [States Authorized by EPA to Manage the RRP Rule](#), by the National Center for Healthy Housing.

<sup>8</sup> Additional potential funding sources for further expansion of this demonstration program are described at the end of this document.

There are several benefits to OHFA assisting ODH with the PPCLP program. OHFA has experience administering large-scale demonstration projects involving construction at multiple sites. The agency could potentially attract other funds to complement the SCHIP funds, invest in target areas identified by local governments through placement of affordable housing developments, assist local governments with design of local primary prevention strategies, and provide management and other kinds of expertise needed for a project of this size. In addition, OHFA could encourage its financial institution partners to consider providing loan capital to small rental property owners through local revolving loan funds.

### **PPCLP Demonstration Program Design**

State funding would be made available to cities selected on a competitive basis to participate in the PPCLP demonstration grant program in order to assist them with implementation of primary prevention strategies.

#### **a. Eligibility for State-Local PPCLP Grants**

- The lead agency for the demonstration project must be a unit of local government (i.e. housing/development, health) or a regional organization on behalf of one or more counties. The lead agency will implement the primary prevention strategy in collaboration with public and private sector partners.
- Required partners for the grant application: local health, housing/development, and code enforcement departments; other local government agencies/offices; community development corporations and/or community action agencies; other non-profit organizations; child health expert; and organizations representing parents/residents of high-risk communities.

#### **b. Selection Criteria**

- **Demonstrated Progress:** Evidence of measurable steps taken towards designing and/or implementing a local primary prevention strategy. Some examples: 1) mandatory registration and lead clearance examination<sup>9</sup> of pre-1978 rental properties in high risk areas (defined as areas with concentrations of pre-1978 residential property and high poverty rates); 2) lead clearance examinations during a program of pro-active code inspections that covers all units in high-risk areas; and 3) a citywide requirement for lead clearance examinations of all pre-1978 residences prior to sale or upon tenant turnover.
- **Lead-Safe Practices:** Approaches using rental inspection of pre-1978 properties must use either clearance examinations by state licensed clearance technicians or lead risk assessments by state licensed lead risk assessors to determine a property is lead safe.
- **Child Care Centers:** Applicants must have a strategy to address rental properties used for home-based day care.

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<sup>9</sup> "Clearance examination means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples." See [ORC 3742.01, Lead Abatement definitions](#).

- **Local Advisory Council:** Establishment and convening of, on minimally a quarterly basis, a local lead advisory council that includes representation from groups impacted by lead exposure including parents of lead poisoned children, rental property owners, lead professionals, health, housing and community development specialists, child and adolescent health and development subject matter experts, advocacy organizations and others to discuss best practices, examine data and cost-benefits, consider mid-course corrections, and otherwise advise the local government on their PPCLP strategy.
- **Data Collection & Reporting:** Plan to collect and provide baseline data, submit annual progress reports based on measurable outputs (i.e. units abated, units receiving lead hazard control, reduction in children with EBLLs) and conduct an outside program-wide evaluation at the close of the grant to the Governor and Joint-Oversight Entity.

c. Purpose - Grant funding uses could include:

1. Assistance to rental property owners with the cost of inspections and repairs, including paint stabilization, replacement of lead painted components and major health/safety code-related repairs that would impact integrity of lead work (e.g. leaks).
2. Training of clearance technicians, lead abatement contractors and other lead professionals and RRP certified renovators, property managers and owners.
3. Creative solutions to obstacles that deter property owners from investing in lead abatement or lead hazard control.
4. Costs for temporary relocation of tenants and homeowners if extensive work is necessary to make the unit lead-safe.
5. A percentage for program administration, evaluation and to maintain a local rental registry.

d. Other Funding Requirements:

- Rental property owners who receive funding assistance through this grant must agree to prioritize renting to low-income families over a 3-year period.<sup>10</sup>
- Local rental property owners would be at a minimum expected to list their pre-1978 units locally, and on the Ohio Lead Safe Rental Registry.
- Local government entities must include strategies that minimize negative impacts of relocation of tenants and homeowners, including notice of lead hazard control and lead abatement efforts and temporary housing assistance.

e. Local contributions:

- Local governments would leverage state funds with local contributions, i.e. re-allocation of other government funding, private grants, staff time, in-kind donations and rental property owner participation, matching funds from local children's hospitals, etc. The current SCHIP lead abatement program requires a 50% landlord contribution; that level of participation may be an obstacle to participation by owners whose cash flow doesn't generate enough income to cover their portion or who are unable to borrow on the value of their properties. A more flexible approach would be to adopt a sliding scale requiring up to a 50% match

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<sup>10</sup> This policy is similar to one required by HUD for use of federal [Lead-Based Paint Hazard Control Program](#).



based on a formula that takes into account current rents and tenant income. In some cases, where the owner's ability to contribute is limited or nonexistent, local governments would need to grant the full cost of the lead abatement or lead hazard control.

- The PPCLP grant may not supplant existing local funding for lead abatement or lead hazard control.

### **Potential Funding Sources for Sustaining the PPCLP Initiative**

The following resources are suggested as opportunities for expanding the funding base for primary prevention beyond leveraging Medicaid SCHIP funding and offering some sustainability for future primary prevention efforts:

- **Ohio's Capital Budget** (general obligation bonds). Lead hazard control should be a part of any infrastructure initiative. Such funding could include not only lead abatement or lead hazard control but also replacement of private lead service lines (primarily an issue in single family homes).
- **Ohio's "Rainy Day Fund"** (ORC 3742.46). This fund has grown to nearly \$3 billion, close to exceeding its allowable 8.5% of the GRF.<sup>11</sup> Childhood lead poisoning is a crisis with a solution that merits state dollars in order prevent childhood lead poisoning. Funding could be allocated to the Ohio Lead Poisoning Prevention Fund.
- **Paint fees.** General Revenue Funds supported by a per paint gallon lead poisoning prevention fee. Alternatively, negotiate a lump sum agreement with the paint companies to identify a reasonable contribution of corporate giving to fund the Ohio Lead Poisoning Prevention Fund.
- **Certification fees.**<sup>12</sup> Fees from certified RRP renovators (see A. #3) would support Ohio's Renovation, Repair and Painting Rule (RRP) program. A small grant would be needed for start-up expenses from General Revenue Funds. Certification fees from covered entities would flow to the Ohio Department of Health to administer the RRP Rule.

### **Conclusion:**

This proposal presents a strategy for investing in the health of Ohio's homes and infrastructure, creating good jobs in the process and promoting child lead poisoning prevention as a priority for Ohio. It also advances a commitment to workforce development by investing in occupations that help to ensure healthy homes for children. Finally, by encouraging a "one-touch approach" with the local governments as the convening entity, this proposal fosters government efficiencies and collaboration between state and local government as well as interagency partnerships to maximize the impact of a demonstrated commitment to primary lead poisoning prevention.

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<sup>11</sup> [https://www.cleveland.com/open/index.ssf/2018/07/ohios\\_rainy\\_day\\_fund\\_grows\\_to.html](https://www.cleveland.com/open/index.ssf/2018/07/ohios_rainy_day_fund_grows_to.html)

<sup>12</sup> For information on fees charged by the 14 states administering the RRP Rule, see [Certify Your Renovation Firm and Yourself](#), National Center for Healthy Housing

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